

**REMARKS**

Claims 4, 5, 7, 8 and 27 are pending in this application. By this Amendment, claims 4, 7 and 27 are amended. No new matter is added.

Applicant appreciates the courtesies extended to Applicant's representative during the May 20, 2004 interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

**I. The Claims Define Patentable Subject Matter**

The Office Action rejects claims 1-5, 7, 8, 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter "APA"), shown in Fig. 11 in view of Ray et al. (hereinafter "Ray"), U.S. Patent No. 5,701,008. The rejection is respectfully traversed.

APA and Ray, individually or in combination, fail to disclose or suggest the thin layer of the adhesive is disposed between the step portion and the sealing material, and the width of the thin layer being wider than the width of the sealing material, as recited in claims 4, 7 and 27.

Ray instead discloses a step portion in the IR window 10 having a width that is not wider than the entire width of the sealing material 8. That is, the entire width of seal 8 is only as wide as the step portion (undesignated, but next to grooves 18 and grating columns 16) (Fig. 4), whereas Applicant's claimed invention as recited in claims 4, 7 and 27 discloses the width of the thin layer being wider than the width of the sealing material.

Further, APA and Ray, individually or in combination, fail to disclose or suggest the thin layer includes a height that is less than the height of the adhesive over inter lenses positions adjacent to ones of the microlenses, as recited in claims 4, 7 and 27.

APA merely discloses the adhesive over the step portion having a height that is equivalent to the height of the microlenses, rather than having a height that is less than the

height of the inter lens positions adjacent to ones of the microlenses, as recited in claims 4, 7 and 27.

Further, one of ordinary skill in the art would not have been motivated to combine the teachings of Ray with the teachings of APA with any expectation of success without destroying the invention. That is, Ray discloses that the seal 8 can be made from indium, tin, lead solder or vacuum epoxy with the height of the seal precisely determined (col. 3, lines 31-34). However, Applicant's claimed invention discloses a transparent cover adhered to the lens array substrate with an adhesive. By placing the IR window 10 on the seal 8 with the materials stated above, the transparent cover and Applicant's invention would crack or even break because of the hard surface sealing material of Ray and, in all likelihood, would not be adhered as Ray is adhering a metalliod IR window 10. Thus, there is no motivation to modify the disclosure of Ray with the disclosure of APA in the manner asserted by the Office Action, as they have nothing in common other than focusing the microlenses (e.g., operating in different area of the EM spectrum). Accordingly, in the absence of any motivation to do so, one or ordinary skill in the art would not have combined the references and then modify the resulting combination as asserted in the Office Action to obtain the claimed invention.

For at least these reasons, Applicant respectfully submits that APA and Ray, individually or in combination, fail to disclose or render obvious the features recited in independent claims 4, 7 and 27. Claims 5 and 8, which depend from the independent claims are likewise distinguished over the applied arts for at least the reasons discussed as well as for the additional features they recite. Reconsideration and withdrawal of the rejection under 35 U.S.C. §103 are respectfully requested.

**II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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